IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5480 of 2005

Between:

Gayathri Degree College, Peddapalli, Karimnagar District, rep by its Secretary and Correspondent, A.Srinivas S/o.Ramanaiah

..... PETITIONER

AND

1 A.P.State Council for Higher Education, Saifabad,

Hyderabad, rep. by its Secretary.
2 Kakatiya University, Warangal rep. by its Registrar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the notification dt.24.11.2004 issued by first respondent which was published in Telugu newspapers on 25.11.2004, as illegal, arbitrary, and contrary to the provisions of A.P.Education Act award costs.

Counsel for the Petitioner:MR.N.SRIDHAR REDDY

Counsel for the Respondent No.1 : GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2: MR. DEEPAK BHATTACHARJI

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5480 OF 2005

ORDER :

The petitioner seeks a declaration that the notification, dated 24-11-2004 issued by the 1st respondent is arbitrary, illegal and contrary to the provisions of the A.P. Education Act.

The petitioner institution is the recognised Degree College being run at Peddapalli in Karimnagar District. He is aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies / Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioner states that the existing college as well as Government Degree College already established at Peddapalli is catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29,

Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to consider the abovesaid aspects and therefore he made a detailed representation dated 06-01-2005 stating that granting permission for establishment of new colleges in Peddapalli would result in unhealthy competition among the institutions. Since there was no response, the petitioner made another detailed representation dated 10-03-2005 reiterating that the establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representations made by the petitioner raising objections against the establishment of new institutions at Peddapalli in pursuance of the impugned notification is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representations of the petitioner dated 06-01-2005 and 10-03-2005, before taking any decision for grant of permission to new colleges.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to consider the objections raised by the petitioner in his representations dated 06-01-2005 and 10-03-2005 before taking any decision for grant of permission to new colleges in Peddapalli on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No costs.

17th March, 2005.

Mrb

To

1. The Secretary, A.P. State Council for Higher Education, Saifabad, Hyderabad.
2. The Registrar, Kakatiya University, Warangal.
3. Two CCs to G.P. for Higher Education, High Court of AP Bldgs, Hyderabad (OUT).

4. Two CD copies.

To

1. The Secretary, A.P.State Council for Higher Education,

Saifabad, Hyderabad,

2. The Registrar, Kakatiya University, Warangal.
3. Two CCs to GP for Higher Education, High Court Buildings, Hyderbad(OUT)
4. Two CD copies.